

**REMARKS**

**CORRECTION OF IDENTIFIER:**

In accordance with the correction required by the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed on January 28, 2008, the identifier of claim 36 has been corrected to recite: "PREVIOUSLY PRESENTED."

Hence, the amendment is submitted to be in correct form.

**INTRODUCTION:**

In accordance with the foregoing, claims 1, 12, 38 and 40 have been amended, and claims 39 and 41 have been cancelled without prejudice or disclaimer. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-7, 9-14, and 36, 38, and 40 are under consideration. Claims 15-35 are withdrawn. Reconsideration is respectfully requested.

**EXAMINER'S RESPONSE TO ARGUMENTS:**

In the Office Action, at page 2, the Examiner presented a response to Applicants' arguments filed May 4, 2007.

In view of the following arguments and amendments, the Examiner's concerns are believed to be overcome.

**REJECTION UNDER 35 U.S.C. §103:**

A. In the Office Action, at pages 3-9, numbered paragraphs 7-21, claims 1, 4-7, 9-14, and 36-38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Segal (USPN 6,791,567; hereafter, Segal) in view of Kimura (USPN 7,084,880; hereafter, Kimura). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Independent claim 1 has been amended to include the features of claims 39 and 41. Claims 39 and 41 have been canceled without prejudice or disclaimer. Independent claims 12 and 38 have been amended in similar fashion.

It is respectfully submitted that the Examiner has admitted that Segal does not teach having a color temperature increased to a predetermined value, and does not disclose a system controller providing a predetermined value. In the Advisory Action, the Examiner submitted that Kimura was used to remedy these deficiencies and that Applicants had not argued against the

teaching of the combination of Kimura and Segal. It is respectfully submitted that Applicants did indeed argue against the teaching of the combination of Kimura and Segal - Applicants stated:

In contrast, independent claims 1, 12 and 37 recite utilizing the predetermined value, i.e., have technical features of detecting a color signal having a higher maximum value than the other color signals of the RGB color signals, increasing the color temperature of the detected color signal to a predetermined value to compensate for the color temperature of the detected color signal, and adjusting both a brightness and a color temperature of a screen.

Hence, independent claims 1 and 12 are patentable under 35 U.S.C. §103(a) over Segal (USPN 6,791,567) in view of Kimura (USPN 7,084,880). Since claims 4-7, 9-11, 13-14, and 36 depend from claims 1 and 12, respectively, claims 4-7, 9-11, 13-14, and 36 are patentable under 35 U.S.C. §103(a) over Segal (USPN 6,791,567) in view of Kimura (USPN 7,084,880) for at least the reasons claims 1 and 12 are patentable under 35 U.S.C. §103(a) over Segal (USPN 6,791,567) in view of Kimura (USPN 7,084,880). (emphasis added)

Claim 38 has been amended to include the features of claim 37, and claim 37 has been canceled without prejudice or disclaimer.

The Examiner states that lines 62-67 of col. 1 of Segal discloses the technical feature regarding "detecting and storing a total maximum value of the RGB color signals, comparing the total maximum value with a predetermined critical value," and the Examiner submits that this feature is disclosed in claim 38 of the present invention. Lines 62-67 of col. 1 of Segal disclose the technical features of computing the maximum value of all of the color components of the pixel, and determining a maximum value of at least one color component for at least one value. However, it is respectfully submitted that neither Segal nor Kimura discloses the technical feature of detecting and storing a total maximum value of the RGB color signals. Hence, amended claim 38 of the present invention is different from, and patentable over, the combination of Segal and Kimura. (emphasis added)

Hence, Applicants have argued against the combination of Kimura and Segal.

In the Advisory Action, the Examiner argues that Segal teaches detecting and storing a total maximum value of the RGB signals and cites col. 1, lines 62-67 and col. 2, lines 60-67. It is respectfully submitted that although Segal teaches computing a maximum value of the color components, Segal does not teach or suggest that the RGB color signal generator generates RGB color signals having decreased brightness by decreasing the brightness level of the image by one of the plurality of the predetermined ratios if the total maximum value is greater than a first predetermined critical value, determined in a case wherein a brightness level of pixels in an area of the screen from which the total maximum value is detected corresponds to full white, wherein the RGB color signal generator generates RGB color signals having increased brightness by increasing the brightness level of the image by one of the plurality of the predetermined ratios if the total maximum value is less than a second predetermined critical value, determined in consideration of a case wherein a brightness level of pixels in the area of the screen from which the total maximum value is detected corresponds to full black, and detecting and storing a total maximum value of the RGB color signals, which includes windowing

a predetermined area of the screen, and then detecting the total maximum value of the RGB color signals in the predetermined area, as is recited in amended independent claims 1, 12 and 38 of the present invention. That is, nowhere does Segal specify that the maximum value of the color components is a total maximum value of the RGB signals, and Segal also does not specify windowing a predetermined area of the screen, and then detecting the total maximum value of the RGB color signals in the predetermined area, as is recited in amended independent claims 1, 12 and 38 of the present invention.

With respect to the Examiner's comments re Kimura teaching achieving a color temperature correction by controlling hue with respect to luminance and chroma, the Examiner appears to hypothesize that "it would have been obvious to one skilled in the art to modify Segal to modify a color temperature to a predetermined color temperature based on a threshold in order to make a white color more pleasing to a user as taught by Kimura." It is respectfully submitted that the Supreme Court in *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727 (2007), reaffirmed the factors for determining obviousness. Although the Supreme Court held that the teaching-suggestion-motivation test should not be applied rigidly, *KSR* recognized the value of that test in determining whether the prior art provided a reason for one of skill in the art to make the claimed combination. This test is consistent with the test set out in *In re Dillon*, 919 F.2d 688 (Fed. Cir. 1990), and *In re Deuel*, 51 F.3d 1552 (Fed. Cir. 1995). Thus, it remains necessary to identify a reason from the prior art (not simply hypothesize a reason) that would have led one skilled in the art to modify a known invention in a particular manner to establish prima facie obviousness of a new claimed invention, according to the court.

Kimura does not teach or suggest that the RGB color signal generator generates RGB color signals having decreased brightness by decreasing the brightness level of the image by one of the plurality of the predetermined ratios if the total maximum value is greater than a first predetermined critical value, determined in a case wherein a brightness level of pixels in an area of the screen from which the total maximum value is detected corresponds to full white, wherein the RGB color signal generator generates RGB color signals having increased brightness by increasing the brightness level of the image by one of the plurality of the predetermined ratios if the total maximum value is less than a second predetermined critical value, determined in consideration of a case wherein a brightness level of pixels in the area of the screen from which the total maximum value is detected corresponds to full black, and detecting and storing a total maximum value of the RGB color signals, which includes windowing a predetermined area of the screen, and then detecting the total maximum value of the RGB color signals in the predetermined area, as is recited in amended independent claims 1, 12 and 38 of the present invention.

Also, it is respectfully submitted that nowhere does Segal specify that the maximum value of the color components is a total maximum value of the RGB signals; and Segal also does not specify windowing a predetermined area of the screen, and then detecting the total maximum value of the RGB color signals in the predetermined area, as is recited in amended independent claims 1, 12 and 38 of the present invention.

Thus, even if combined, Segal and Kimura do not teach or suggest amended independent claims 1, 12 and 38 of the present invention.

Hence, amended independent claims 1, 12 and 38 are submitted to be patentable under 35 U.S.C. §103(a) over Segal (USPN 6,791,567) in view of Kimura (USPN 7,084,880). Since claims 2-11, 13-14, 36 and 40 depend from amended independent claims 1, 12 and 38, respectively, claims 2-11, 13-14, 36 and 40 are submitted to be patentable under 35 U.S.C. §103(a) over Segal (USPN 6,791,567) in view of Kimura (USPN 7,084,880) for at least the reasons amended independent claims 1, 12 and 38 are patentable under 35 U.S.C. §103(a) over Segal (USPN 6,791,567) in view of Kimura (USPN 7,084,880).

B. In the Office Action, at pages 9-12, numbered paragraphs 22-27, claims 2, 3, and 39-41 were rejected under 35 U.S.C. §103(a) as being unpatentable over Segal (USPN 6,791,567; hereafter, Segal) in view of Kimura (USPN 7,084,880; hereafter, Kimura) and further in view of Park (US Publication 2002/0163527; hereafter, Park). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Independent claims 1 and 38 have been amended to include the features of claims 39 and 41 as recited above. Claims 39 and 41 have been canceled without prejudice or disclaimer. Claim 40 has been amended to update dependency.

It is respectfully submitted that neither Segal nor Kimura teaches or suggests that the RGB color signal generator generates RGB color signals having decreased brightness by decreasing the brightness level of the image by one of the plurality of the predetermined ratios if the total maximum value is greater than a first predetermined critical value, determined in a case wherein a brightness level of pixels in an area of the screen from which the total maximum value is detected corresponds to full white, wherein the RGB color signal generator generates RGB color signals having increased brightness by increasing the brightness level of the image by one of the plurality of the predetermined ratios if the total maximum value is less than a second predetermined critical value, determined in consideration of a case wherein a brightness level of pixels in the area of the screen from which the total maximum value is detected corresponds to full black, and detecting and storing a total maximum value of the RGB color signals, which

includes windowing a predetermined area of the screen, and then detecting the total maximum value of the RGB color signals in the predetermined area, as is recited in amended independent claims 1 and 38 of the present invention (see above).

Park also fails to teach or suggest that the RGB color signal generator generates RGB color signals having decreased brightness by decreasing the brightness level of the image by one of the plurality of the predetermined ratios if the total maximum value is greater than a first predetermined critical value, determined in a case wherein a brightness level of pixels in an area of the screen from which the total maximum value is detected corresponds to full white, wherein the RGB color signal generator generates RGB color signals having increased brightness by increasing the brightness level of the image by one of the plurality of the predetermined ratios if the total maximum value is less than a second predetermined critical value, determined in consideration of a case wherein a brightness level of pixels in the area of the screen from which the total maximum value is detected corresponds to full black, and detecting and storing a total maximum value of the RGB color signals, which includes windowing a predetermined area of the screen, and then detecting the total maximum value of the RGB color signals in the predetermined area, as is recited in amended independent claims 1 and 38 of the present invention.

Thus, even if combined, Segal, Kimura, and Park do not teach or suggest amended independent claims 1 and 38 of the present invention. Thus amended independent claims 1 and 38 are patentable under 35 U.S.C. §103(a) over Segal (USPN 6,791,567) in view of Kimura (USPN 7,084,880) and further in view of Park (US Publication 2002/0163527).

Since claims 2, 3 and 40 depend from amended independent claims 1 and 38, respectively, claims 2, 3, and 40 are patentable under 35 U.S.C. §103(a) over Segal (USPN 6,791,567) in view of Kimura (USPN 7,084,880) and further in view of Park (US Publication 2002/0163527) for at least the reasons amended independent claims 1 and 38 are patentable under 35 U.S.C. §103(a) over Segal (USPN 6,791,567) in view of Kimura (USPN 7,084,880) and further in view of Park (US Publication 2002/0163527).

## **CONCLUSION:**

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration

by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date:

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